

State of Rhode Island and Providence Plantations

Derelict and Abandoned Vessel and Obstruction Removal Commission

Proposed Minutes of the Rhode Island Derelict and Abandoned Vessel and Obstruction Removal Commission Meeting

Held on November 14, 2013

Members in attendance:

Steven Hall, Chair

Danni Goulet, Member and

Tom Kutcher, Member

Absent:

Don Vivenzio, Member

Matt Calouro, Member

Others in attendance:

**Gary Powers, Legal Counsel to the Commission and Secretary, Pro
Hoc Vice**

Christian Capizzo, SAAG

Larry Mouradjian, Deputy Director RIDEM

Tim Mills, Harbormaster, City of Newport

**Quorum being present, the Chair called the Meeting to order at
approximately 8:37 a.m. in the conference room located on the 2nd
Floor in DEM's Wickford Marine Base which is located at 150 Fowler**

Street, North Kingstown, RI.

Consistent with the proposed agenda for the meeting, the Commission proceeded as follows:

- 1. The Commission unanimously approved the proposed minutes of the October 30, 2013 meeting of the Commission as mended on a motion by Commissioner Goulet that was seconded by Commissioner Kutcher. (A copy of minutes as approved is attached.)**
- 2. Given Commissioner Calouro's absence, Tim Mills, Harbormaster, City of Newport, was in attendance to assist the Commission on behalf of the Harbormasters Association to ensure the participation of that organization in the Commission's efforts.**
- 3. The Chair opened the meeting by recognizing Commissioner Goulet who advised the Commission that State Purchasing Agent Dave Cododt had offered to brief the Commission on the process that the Commission might wish to establish in order to have three (3) contractors recognized as the Master Price Contract vendors to carry out the removal of abandoned boats. Commissioner Goulet suggested that Cododt had been of great assistance to him in his efforts on behalf of CRMC and he believed that Cododt might be of assistance to some of the harbormasters who are solely part time appointees. Mr. Mills pointed out that only three municipalities have full time harbormasters. Mr. Mouradjian suggested that involvement the State in such contracting efforts might be counterproductive. The issue of the desirability of a presentation by Mr. Cododt was left**

unresolved.

4. The Commission then provided a brief summary for Mr. Mills as to the Commission's previous efforts, including the draft application form that might be filed by public entities seeking the approval of vessel removal projects.

5. Commissioner Kutcher began a consideration by the Commission of the documents that he had circulated by e-mail last week. Focus quickly centered upon one of the two matrix sheets that he had presented. This matrix which includes a multiplier in the right column was discussed in some detail. The Commission expressed a consensus that this document, subject to modification, could provide the Commission with the guidance that it needed to permit a standard for review of funding applications while affording the Commission the requisite discretion. The Commission agreed that this matrix (a copy of which is attached) should be adopted as an appendix to the Commission's duly promulgated regulations.

6. The Commission also agreed that the draft application form (a copy of which is also attached) should be adopted as an appendix to the Commission's duly promulgated regulations. It was generally agreed by the Commission that the form should be modified to incorporate five questions to correspond to the applicant vessel's possible qualification for funding pursuant to the five categories set out on the left side of the matrix.

7. The Commission further agreed that the regulations should provide for two regularly scheduled application periods – one application period with a deadline for submittal to the Commission on July 1, and

a second application period with a deadline for submittal to the Commission on November 1.

8. The Commission also agreed that the regulations should provide that applications would only be considered for one application period although the mere changing of the date of the application and its re-submittal would make an application eligible for consideration at a future application period.

9. The Commission concluded that the regulations should provide that the Commission's decision to grant or deny financial assistance to an proposed removal project should be deemed a final agency which might be then subject to review pursuant to the Administrative Procedures Act, R.I. Gen. Laws § 42-35-15.

10. Commissioner Kutcher and Commissioner Goulet agreed to coordinate the modification of the Matrix and the application form, respectively. Mr. Powers was asked to prepare a first draft of the Commission Regulations using the Rules and Regulations of the Rhode Island Trails Advisory Committee For the Trails Improvements Grants Program for the State of Rhode Island and Providence Plantations Department of Environmental Management Division of Planning and Development as a foundation.

11. In order to keep a tight schedule, the Commission agreed to meet on November 26 and December 18.

12. At approximately 10:20 a.m., the Commission adjourned.

NEXT SCHEDULED MEETING

The next meeting will take place at the same location, i.e., the

conference room located on the 2nd Floor in DEM's Wickford Marine Base which is located at 150 Fowler Street, North Kingstown, RI and it will occur on November 26, 2013 beginning at 8:30 a.m.

Respectfully submitted,

Gary Powers, Secretary, Pro Hoc Vice